



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/720,045	12/18/2000	Jacques Bauer	GEI-084	6820
47888	7590	07/06/2005	EXAMINER	
HEDMAN & COSTIGAN P.C. 1185 AVENUE OF THE AMERICAS NEW YORK, NY 10036			RUSSEL, JEFFREY E	
			ART UNIT	PAPER NUMBER
			1654	

DATE MAILED: 07/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
P.O. Box 1450  
ALEXANDRIA, VA 22313-1450  
www.uspto.gov

**Failure to Acceptably Respond to  
Notice of Non-Compliant Amendment (37 CFR 1.121)  
No New Time Period for Reply is Provided**

The amendment document filed on 3/15/05 fails to provide the corrective action required by the prior Notice of Non-Compliant Amendment (37 CFR 1.121) mailed on 3/7/05. The amendment, including both the originally filed amendment and the amendment filed in response to the prior notice, is still considered to be non-compliant under 37 CFR 1.121. In order for the amendment document to be compliant, correction of the item(s) listed below is required. **Only the corrected section of the non-compliant amendment document must be resubmitted (in its entirety), e.g., the entire "Amendments to the claims" section of applicant's amendment document must be re-submitted.** 37 CFR 1.121(h).

The period for reply continues to run from the mailing date of the prior Notice of Non-Compliant Amendment. The corrections listed below must be timely filed to avoid abandonment of the application. No new time period for reply is provided in this communication. See the Manual of Patent Examining Procedure (MPEP) § 714.03.

If the period for reply set forth in the prior Notice of Non-Compliant Amendment has expired, this application will become abandoned unless applicant: (1) corrects the deficiency, and (2) obtains an extension of time under 37 CFR 1.136(a). In no case may an applicant reply outside the SIX (6) MONTH statutory period or obtain an extension for more than FIVE (5) MONTHS beyond the date for reply set forth in the prior Notice of Non-Compliant Amendment (37 CFR 1.121).

**THE FOLLOWING CHECKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:**

- ☒ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
  - ☐ B. New paragraph(s) should not be underlined.
  - ☒ C. Other See Ex's amdt
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
  - ☐ B. Other \_\_\_\_\_
- ☐ 3. Amendments to the drawings: \_\_\_\_\_
- ☐ 4. Amendments to the claims:
- ☐ A. A complete listing of all of the claims is not present.
  - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
  - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following 7 status identifiers: (Original), (Currently amended), (Canceled), (Withdrawn), (Previously presented), (New) and (Not entered).
  - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
  - ☐ E. Other: \_\_\_\_\_

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officeflyer.pdf>.

Helia J. Hammer  
Supervisory Legal Instruments Examiner (SLIE)

571-272-0561  
Telephone No.

Art Unit: 1654

1. The following errors in amendment format are noted:

With respect to the amendments to the specification, the latest amendment to the brief description of the drawings to be entered was the one filed on February 5, 2004. All proposed amendments must be marked with respect to this version of the brief description of the drawings filed on February 5, 2004. Accordingly, the latest amendment to the brief description of the drawings, filed March 15, 2005, is not in compliance with 37 CFR 1.121(b)(1)(ii), because: In the brief description of Fig. 10, line 2, "of" (first occurrence) should be underlined, and the phrase "in supernatants of human dendritic cellsw culture" should not be shown at all because it was not present in the amendment filed February 5, 2004. In the brief description of Figs. 13, 14 and 15, line 1, "weeks" should be underlined, and at line 2, "a malaria antigen(" should not be shown at all because it was not present in the amendment filed February 5, 2004. In the brief description of Fig. 16, lines 1-2, "a malaria antigen(" should not be shown at all because it was not present in the amendment filed February 5, 2004. In the brief description of Figs. 17 to 20, line 1, "IFN-" should be underlined; at line 2, "a malaria antigen(" should not be shown at all because it was not present in the amendment filed February 5, 2004; and at line 3, it is improper for the word "and" to be both underlined and struck-through. In the brief description of Figs. 22 to 29, line 1, the phrase "IgG1, IgG2, Igm" should not be shown at all because it was not present in the amendment filed February 5, 2004. In the brief description of Figs. 39 to 41, "Figs. 39 to 41 are" should be underlined, and "graphs of ES MS" should not be shown at all because it was not present in the amendment filed February 5, 2004. In the brief description of Fig. 42 and 43, "Fig. 42 and 43 are" should be underlined, and "graphs of" should not be shown at all because it was not present in the amendment filed February 5, 2004. In the brief description of Figs 44 and

Art Unit: 1654

45, "Figs 44 and 45" should be underlined, and "are graphs of" should not be shown at all because it was not present in the amendment filed February 5, 2004. In the brief description of Fig. 46 and 47, "Fig. 46" should be underlined, and "is a graph" should not be shown at all because it was not present in the amendment filed February 5, 2004.

With respect to the amendments to the claims, the latest amendment to the claims to be entered was the one filed October 1, 2004. All proposed amendments must be marked with respect to this version of the claims filed on October 1, 2004. Accordingly, the latest amendment to the claims, filed March 15, 2005, is not in compliance with 37 CFR 1.121(c)(2), because: At claim 36, line 9, a second comma was inserted after "carbon atoms" without the comma being underlined. At claim 37, line 1, the word "an" was deleted from after "having" without the deletion being marked by strike-through. At claim 39, line 3; claim 41, line 3; and claim 42, line 3; a comma was inserted after "diol" without the comma being underlined. At claim 49, line 11, the phrase "as defined in claim 34" was inserted without the phrase being underlined.

2. The examiner has noted the following issues while reviewing the latest response for amendment format compliance. Applicants may wish to address some or all of these issues at the same time that they correct the amendment format issues. Alternatively, the examiner can formally raise them at the time that a compliant amendment is submitted and entered into the application.

The statement of no new matter filed February 1, 2005 does not satisfy the requirement set forth in the Office action mailed November 1, 2004, page 3, lines 6-8, because it does not given any identifying data for the paper and computer readable forms. For example, the statement does not refer to the paper and computer readable forms filed March 28, 2003.

Art Unit: 1654

In the proposed brief description of Fig. 10, line 1, "graph graphs" should be changed to "graph".

In the proposed brief description of Fig. 10, line 2, and of Fig. 11, line 2, "predendritic" is misspelled.

The proposed brief description of Figs. 13, 14 and 15 stating that the ELISA graphs occur 2, 3, and 4 weeks after the first, second, and third immunizations will be new matter under 35 U.S.C. 132. Compare page 43, lines 1-3, of the specification.

In the proposed brief description of Figs. 17 to 20, line 1, "IFN- $\gamma$  IFN" should be changed to "IFN- $\gamma$ "; and at line 3, "circumsporozoite" should be one word.

In the proposed brief description of Figs 44 and 45, "are" should be inserted after "45".

In the proposed amendment to claim 49, line 9, a comma was changed to a period at the end of the line and in the middle of the claim. The period should not be present at this location.

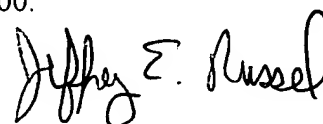
Proposed new claims 54-56 will be held to be non-elected by original presentation and will not be examined. These compounds are patentably distinct, in terms of structure and utility, from the N-acyl dipeptides which have been claimed and examined in this application.

Applicants' response did not indicate where the original disclosure of the invention supports the newly claimed subject matter, and did not provide any explanation as to why the new compound claims should be examined and why they were allowable over the prior art.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey E. Russel at telephone number (571) 272-0969. The examiner can normally be reached on Monday-Thursday from 8:30 A.M. to 6:00 P.M. The examiner can also be reached on alternate Fridays.

Art Unit: 1654

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Bruce Campell can be reached at (571) 272-0974. The fax number for formal communications to be entered into the record is (571) 273-8300; for informal communications such as proposed amendments, the fax number (571) 273-0969 can be used. The telephone number for the Technology Center 1600 receptionist is (571) 272-1600.

A handwritten signature in black ink, reading "Jeffrey E. Russel". The signature is written in a cursive, flowing style.

Jeffrey E. Russel

Primary Patent Examiner

Art Unit 1654

JRussel

July 5, 2005